

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOE,

Plaintiff,

v.

BEN CARSON, et al.,

Defendants.

Case No. 1:18-cv-1231

HON. JANET T. NEFF

ORDER OF DISMISSAL

Plaintiff, proceeding pro se, initiated this action on November 2, 2018. On May 3, 2019, this Court denied Plaintiff's motion to retain anonymity and directed Plaintiff to amend her Complaint to identify herself by her legal name within twenty-one (21) days (Op. & Order, ECF No. 27). *See* FED. R. CIV. P. 10(a) ("The title of the complaint must name all the parties[.]"). Consistent with the Magistrate Judge's earlier admonition (Report & Recommendation, ECF No. 20 at PageID.105, 107), this Court also warned Plaintiff that failure to do so would result in dismissal of this action for lack of jurisdiction (Op. & Order, ECF No. 27 at PageID.123). *See Citizens for a Strong Ohio v. Marsh*, 123 F. App'x 630, 637 (6th Cir. 2005) ("[T]he federal courts lack jurisdiction over the unnamed parties, as a case has not been commenced with respect to them.") (citation omitted).

On May 17, 2019, Plaintiff filed a Notice of Interlocutory Appeal (ECF No. 28), which remains pending in the Sixth Circuit. *See* USCA Case No. 19-1566. To the extent Plaintiff's May 17, 2019 interlocutory appeal can also be properly construed as an untimely appeal to this Court

from the Magistrate Judge's January 4, 2019 order denying her motion to amend her complaint and for appointment of counsel, such appeal is denied. The Magistrate Judge denied Plaintiff's motion for leave to file an amended complaint because Plaintiff failed to submit a complete proposed amended complaint for the Court's review (ECF No. 19 at PageID.103). The Magistrate Judge denied Plaintiff's request for appointment of counsel because, at this juncture, the factors warranting such appointment are absent (*id.* at PageID.104). The Magistrate Judge's decision was neither clearly erroneous nor contrary to law but a proper exercise of her discretion. *See* 28 U.S.C. § 636(b)(1)(A) (describing standard of review); *see also* FED. R. CIV. P. 72(a); W.D. Mich. LCivR 72.3(a).

More than twenty-one days have passed since this Court's May 3, 2019 Opinion and Order, and no compliance with FED. R. CIV. P. 10(a) has been had. Therefore, the Court will dismiss this action for lack of jurisdiction.

Accordingly:

IT IS HEREBY ORDERED that Plaintiff's appeal to District Judge (ECF No. 28) is DENIED.

IT IS FURTHER ORDERED that this action is DISMISSED for lack of jurisdiction.

This Order resolves all pending claims and is a final Order.

Dated: May 30, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge